

REMARKS/ARGUMENTS

This present Response is being filed in reply to the Office Action dated November 29, 2007. Applicant requests a three month extension of time, including the associated fee, extending the period of response to and including May 29, 2008.

By the present amendment, claims 1, 4, 7, and 11 have been amended. Claims 1, 4, 5, 7, 9, 11, and 15-20 are pending in the application.

Support for the claim amendments can be found throughout the specification and drawings, including the claims as originally filed. No new matter has been added. The amendment of the claims should in no way be construed to be in acquiescence to any of the rejections. The amendment of the claims is being made solely to expedite prosecution of the above-identified patent application. Applicants reserve the option to further prosecute the same or similar claims in the present or subsequent patent applications.

Allowable Subject Matter

The Applicant wish to thank the Examiner for indicating that claims 7 and 9 recite allowable subject matter.

Objection to the Specification

By the present amendment a new Abstract is provide within the range of 50 to 150 words.

Rejection of Claims 4, 11 and 15-20 under 35 U.S.C. § 102

The Office Action rejected claims 4, 11 and 15-20 under 35 U.S.C. § 102(b) as being anticipated by Becker (U.S. Patent No. 2,248,054). Applicant respectfully traverses this rejection on the basis of the following arguments.

By the present amendment, claims 4 and 11 are amended to recite that the outer sleeve is movable to a second position in which the outer sleeve surrounds the branches to inhibit separation of the first and second branches. Becker fail to disclose an outer sleeve movable to a second position in which the outer sleeve surrounds the branches to inhibit separation of

the first and second branches. Becker describes that the handle 6 is “sweated or otherwise secured to” the hollow shank 5. The handle 6 is, thus, not movable relative to the shank 5.

Applicant disagrees with the assertion in the Office Action that the phrase “movable between a first position and a second position” is a functional statement. This phrase describes the structural relationship between two structural elements of the claim, the outer sleeve and the body, not the function of the elements. Claims 4 and 11 require that the outer sleeve be movable relative to the body. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e. identity of terminology is not required.” *In Re Bond*, 910 F.2d. 831, 15 USPQ2d 1566 (Fed. Cir 1990) See MPEP 2131. Becker does not disclose expressly or inherently that the handle 6 is movable relative to the shank 5. In fact, it discloses the exact opposite – the handle 6 is secured to the shank 5. Therefore, Becker cannot anticipate claim 4 and 11.

For at least this reason, applicant requests the withdrawal of the rejection of independent claims 4 and 11, and claims 15-20 dependent on claim 11, under 35 U.S.C. § 102(b).

Rejection of Claims 1 and 5 under 35 U.S.C. § 102

The Office Action rejected claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by Morrison (U.S. Patent No. 5,910,141). Applicant respectfully traverses this rejection based on the following arguments.

By the present amendment, Claim 1 is amended to recite that the outer sleeve is cylindrical in shape. Morrison fails to disclose a cylindrical outer sleeve. Instead, Morrison discloses a non-cylindrical lever arm 12.

For at least this reason, applicant requests the withdrawal of the rejection of independent claim 1, and claim 5 dependent thereon, under 35 U.S.C. § 102(b).

Conclusion

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the prosecution of the application, the Examiner is invited to call the undersigned at (508) 880-8488.

Respectfully submitted,

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